

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 24, 2017

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: James Dean Cloud

Case Number: 0980 2:10CR02077-RMP-1

Address of Offender: Homeless, Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge

Date of Original Sentence: March 1, 2011

Original Offense: Crime on an Indian Reservation - Burglary, 18 U.S.C. § 1153; Possession of Stolen Firearms, 18 U.S.C. § 922(j);

Original Sentence: Prison - 150 months; Type of Supervision: Supervised Release
TSR - 36 months

Re-sentence: Prison - Time Served
(September 1, 2016) (2,232 days);
TSR - 36 months

Revocation Sentence: Prison - 2 months;
(November 17, 2016) TSR - 34 months

Asst. U.S. Attorney: James Goeke

Date Supervision Commenced: December 28, 2016

Defense Attorney: Federal Defender's Office

Date Supervision Expires: Warrant Status

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 02/17/2017, 03/08/2017, and 04/20/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

6

Mandatory Condition # 1: You must not commit another federal, state or local crime.

Supporting Evidence: On December 28, 2016, James Cloud signed his conditions for case number 2:10CR02077-RMP-1, indicating he understood all conditions ordered by the Court. Specifically, Mr. Cloud was made aware by his U.S. probation officer that he may not commit another Federal, state, or local crime.

On May 22, 2017, Mr. Cloud allegedly violated the terms of his supervised release by having on his person a concealed weapon and by attempting to obstruct and resist law enforcement attempting to detain and subsequently arrest him.

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Specifically, on May 23, 2017, the undersigned officer received a phone call from the Yakama Nation Tribal Police, who indicated that the client was currently in their custody on new alleged law violations.

On May 23, 2017, the police report was received from the agency in regard to the arrest. The report indicates that on May 22, 2017, the client was observed by an individual in the community near his neighbor's residence, who he knew not to be home. The contact then observed the client disappear for several minutes behind the house and then reappear with a fully assembled ceiling fan, which the contact assumed belonged to his neighbor.

Mr. Cloud was subsequently contacted by law enforcement, but at the time indicated that he was in fact Hispanic and it was noted by the arresting officer that he appeared to be speaking with a fake accent. Mr. Cloud then provided the officer with a fake name of "Cesar," and denied being Native American. Mr. Cloud then voluntarily went down to his knees on the roadway and it was noted by the contacting officer that he seemed unsteady on his feet. The officer did observe a sheath on Mr. Cloud's person at this time, but did not observe a knife or any other weapon.

Mr. Cloud was then informed that he would be placed in restraints as he met the description of an individual who had stolen a ceiling fan, an allegation that Mr. Cloud denied. Upon the officer touching the left shoulder of Mr. Cloud, the officer noted that Mr. Cloud quickly turned and tried to push the officer off balance. The officer pushed Mr. Cloud to the ground, but lost his footing and fell to his hands and knees in the process. Both parties returned to their feet and the officer noted that Mr. Cloud "squared up" with him and clenched his fists. Mr. Cloud then proceeded to run from the officer despite verbal directives to stop.

With the use of his patrol car, the officer was able to catch Mr. Cloud, and he proceeded to deploy three bursts of oleoresin capicum, followed by a controlled take down at which time he was able to restrain Mr. Cloud. The officer was then able to locate Mr. Cloud's wallet, at which time the officer identified him as James Cloud by his Yakama Nation Enrollment Card present in the wallet. Located in Mr. Cloud's right front pocket was a fixed blade knife with a 7-inch blade, and located in his left front pocket were 11 car keys on multiple rings, although the client indicated that he did not own a car.

Mr. Cloud was subsequently transported to the Yakama Nation Jail and decontaminated due to his exposure, at which point the officer completed citations for resisting arrest, obstruction of justice and weapons-carrying concealed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 24, 2017

s/Chris Heinen

Chris Heinen

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

5/24/2017

Date